

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPH BOOK,
Plaintiff

V.

DEPARTMENT OF STATE POLICE,
COMMONWEALTH OF MASSACHUSETTS,
and STATE TROOPER KURT M. FERRAZANI,
STATE TROOPER MACKENZIE, and
STATE TROOPER HENNIGAN,
Defendants

Civil Action No. 04CV-11557-RCL

ASSENTED TO MOTION TO CONTINUE TRIAL

The Defendants move to continue the trial date in the above-captioned matter and state as grounds the following:

1. The trial in this matter is currently scheduled for September 25, 2006.
2. Attorney Joseph Kittredge, Co-Counsel for the Defendants, is leaving the Law Offices of Timothy M. Burke and will no longer be associated with the firm as of September 22, 2006. Prior to his notice of departure, Attorney Kittredge had been representing the four Defendants in this matter.
3. Under the Massachusetts Rules of Professional Conduct, the departing attorney and the attorney's former firm are required to deliver notice to each client of the departure. *See Meehan v. Shaughnessy*, 404 Mass. 419 (1989). The notice allows the client to choose which attorney will continue to represent them. The core principle is the client's right to choose his or

her own lawyer. *See Pettingell v. Morrison, Mahoney & Miller*, 426 Mass. 253, 257 (1997); *Meehan v. Shaughnessy*, *supra* at 431.

4. The required notice has been delivered to the four Defendants by both attorneys. The Defendants respectfully ask this Honorable Court to grant a continuance of the trial pending the four Defendant's decision regarding trial counsel, providing sufficient opportunity to prepare the matter for trial if substitute counsel is chosen.

5. Counsel for the Plaintiff has assented to this motion. Both parties respectfully request that the length of the continuance be made at the Court's discretion.

Respectfully submitted,

For Defendants Paul Hennigan, Albert McKenzie
and George Smith,
By their attorney,

LAW OFFICES OF TIMOTHY M. BURKE

/s/ Timothy M. Burke

Timothy M. Burke, BBO #065720
160 Gould Street, Suite 111
Needham, MA 02494
(781) 455-0707

Respectfully submitted,
For Defendant Kurt M. Ferrazani,
By his attorney,

/s/ Brian Rogal

Brian Rogal, Esquire
BBO #424920
160 Gould Street, Suite 111
Needham, MA 02494
(781) 455-0707

Assented to by Plaintiff's Counsel,

/s/ Christopher H.M. Carter
Christopher H.M. Carter, Esq.
Hinckley, Allen & Snyder, LLP
43 North Main Street
Concord, NH 03301

Certificate of Service

I hereby certify that I have served a true copy of the foregoing document upon each other attorney of record by mailing first class postage prepaid to Christopher H.M. Carter, Esquire, Hinckley, Allen & Snyder, LLP, 43 North Main Street, Concord, NH 03301.

Dated: 9/19/06

/s/ Brian Rogal_____